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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PTO/SB/64 (10-01)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
056103-5072-07

First named inventor: George B. ROCKSTEIN et al.

Application No.: 09/346,859

Group Art Unit: 2876

Filed: July 2, 1999

Examiner: A. Sanders

Title: AUTOMATIC LASER SCANNING SYSTEM AND METHOD OF READING BAR CODE  
SYMBOLS USING SAME

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

2011 South Clark Place

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Crystal Plaza Two, Lobby, Room 1B03

Arlington, VA 22202

**RECEIVED**

**JUL 29 2004**

**OFFICE OF PETITIONS**

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1,330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of an Amendment (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

B. The issue fee of \$

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

07/27/2004 CNGUYEN 00000039 500310 09346859

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3. Terminal disclaimer with disclaimer fee

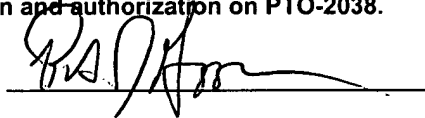
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

July 23, 2004

Date



Signature

Telephone  
Number: (202) 739-3000

Robert J. Goodell, Reg. No. 41,040

Typed or printed name

Morgan, Lewis & Bockius LLP

Address

1111 Pennsylvania Avenue, N.W., Washington, D.C.  
20004

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other :

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

Date

Signature

Typed or printed name of person signing certificate

MEMORANDUM

Morgan Lewis  
C O U N S E L O R S   A T   L A W

TO: File 1274-024G  
U.S. Patent Application No. 09/346,859

FROM: Steve Bartholomew

DATE: January 22, 2002

SUBJECT: Outstanding Office Action

I spoke with Examiner A. Sanders on Wednesday, January 16, 2002, regarding the outstanding Office Action for the above-referenced case. Although we previously filed a Preliminary Amendment asserting newly-drafted claims 87-94, the Examiner's Action only referred to claims 1-86. Pursuant to the Examiner's request, we faxed her a copy of our Preliminary Amendment. The Examiner stated that she will be sending us a Supplemental Office Action shortly which considers the previously-added claims (87-94). The period for response will be set anew; according to the Examiner, we need not respond to the existing outstanding Office Action of October 15, 2001 which improperly excluded claims 87-94 from consideration.

SRB

c: Carolyn Cuffari